MEMO ENDORSED

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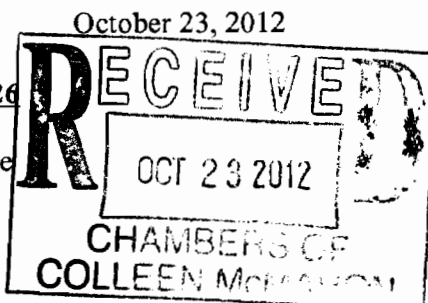TELEPHONE 212 425 2600   FAX 212 202 3926
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October 23, 2012

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CHAMBERS OF
COLLEEN McMAHON

<u>VIA FACSIMILE (212) 805-6326</u>
Hon. Colleen McMahon
United States District Court for the
  Southern District of New York
United States Courthouse
500 Pearl Street, Suite 1350
New York, New York 10007

ELECTRONICALLY FILED
FILED: 10/24/12

Re: *Allen v. UCP of NYC, et al.*, 11 CV 8057 (CM)(KNF) (S.D.N.Y.)

Dear Judge McMahon:

We represent the Plaintiff in the above-referenced employment discrimination matter. We are writing to the Court with respect to the deadline to oppose the Defendants' Motion for Partial Summary Judgment and in respect to Defendants' letter to the Court of this morning.

While we agree with Defendants in that we would rather not raise these types of issues with the Court, we have been compelled to do so as we cannot continue to allow Defendants' counsel's misrepresentations to prejudice the Plaintiff, whose interests are paramount. I have reviewed Defendants' letter with my colleague, Kimberly S. Thomsen, who has a very different recollection of her conversations with Defendants' counsel, Sean Close. In short, we disagree with the bulk of Mr. Close's statements regarding scheduling and settlement and believe them to be false. In any event, the timing of events speaks for itself.

Regarding the Defendants' Motion for Partial Summary Judgment, we respectfully request a seven-day (7-day) extension to the current due date for the Plaintiff's opposition to Friday, November 2, 2012. The Defendants consent to this request and further request that the Defendants be granted until Friday, November 16, 2012 to file their reply papers. Plaintiffs do not object to this request.

We thank the Court for its time and attention to this matter.

Respectfully submitted,
THE HARMAN FIRM, PC

Walker G. Harman, Jr.

cc: Sean Close, Esq. (*via email sclose@putneylaw.com*)
       Adriana S. Kosovych, Esq. (*via email akosovych@putneylaw.com*)